

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1-28 have been constructively elected, claims 30-36 have been withdrawn, and, claims 1 and 3 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Therefore, claims 1-28 are pending and under consideration. Reconsideration is respectfully requested.

CONSTRUCTIVELY ELECTED CLAIMS 1-28 AND WITHDRAWN CLAIMS 30-36

Applicant acknowledges the constructive election of claims 1-28 and the withdrawal of claims 30-36, as discussed in the Office Action at page 3.

REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

In the Office Action, at page 3, numbered paragraph 5, claims 1-2 were rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth therein. However, claim 1 has been amended according to the suggestion of the Office Action. Thus, it is believed that the rejection of claims 1 and 2 is moot.

AMENDMENTS TO CORRECT INFORMAL MATTERS

Claims 1 and 3 have been amended to correct informal matters. In claim 1, the phrases, "in addition to the currently tuned in channel by scanning the channels except for the currently tuned in channel," in lines 8-9, and "except for the currently tuned in channel," in lines 10-11, have been removed. Additionally, the phrase "remaining accessible" has been installed before the word "channels" in line 10 and the phrase "on the currently tuned in channel" has been added after the word "received" in line 11. In claim 3, the phrase "a preferential channel and" is installed after the phrase "currently tuned into" in line 4.

Applicant notes that both of the amendments to claim 1 and the amendment to claim 3 are supported by the specification. Further, the amendments do not significantly affect the scope of the claims, but rather more clearly recite the present invention.

REJECTION UNDER 35 U.S.C. §102(e)

In the Office Action, at page 4, claims 1-2 were rejected under 35 U.S.C. §102 in view of Kim et al (US Patent No. 6,405,372 B1). These rejections are traversed and reconsideration is requested.

Regarding the rejection of claim 1, claim 1 recites a method of acquiring program guide information for channels including a currently tuned in channel and a preferential channel. The method comprises receiving the program guide information and a program on the currently tuned in channel of the channels, acquiring the program guide information for the program received on the preferential channel, and acquiring the remaining program guide information being broadcast for the remaining accessible channels to acquire the remaining program guide information from other program guide information contained in the remaining accessible channels.

The operation of acquiring the remaining program guide information being broadcast for the remaining accessible channels occurs while the program being received on the currently tuned in channel is not displayed after a program guide mode is entered. The remaining program guide information is acquired according to a prioritized channel search.

In other words, the claimed refers to the currently tuned in channel, the preferential channel, and the remaining accessible channels. In contrast, Kim merely refers to a "current viewing channel," see *Kim*, column 3, lines 29-38, and "other channels", see *Kim*, column 3, lines 53-67. Thus, where Kim discloses an automatic sequential check of EPG information of the "other channels," Kim lacks the advantage of already having acquired EPG information of the preferential channel as claimed. Thus, claim 1 defines over the reference to Kim and the rejection is believed to be overcome.

Regarding the rejection of claim 2, claim 2 is dependent on claim 1 and is therefore believed to be allowable for at least the reasons as set forth above with respect to the allowability of claim 1.

REJECTIONS UNDER 35 U.S.C. §103(a)

In the Office Action, at page 5, claims 3, 5-10, 12-15, 19-23, and 27 were rejected under 35 U.S.C. §103 in view of Cuccia (US Patent No. 6,337,719 B1) and Kim et al. (US Patent No. 6,405,372 B1). The reasons for the rejection are set forth in the Office Action and therefore not repeated. These rejections are traversed and reconsideration is requested.

Regarding the rejection of claim 3, claim 3 recites a program guiding method in which a program list for channels is displayed in response to a program guide command. The method comprises acquiring program guide information of accessible channels, including a channel currently tuned into, a preferential channel, and remaining channels.

Therefore, as in claim 1, claim 3 refers to the currently tuned in channel, the preferential channel, and the remaining accessible channels. In contrast, Cuccia fails to disclose "acquiring program guide information of accessible channels including a channel currently tuned into and remaining channels." Moreover, as noted above, Kim fails to disclose each of "the currently tuned in channel, the preferential channel, and the remaining accessible channels." Thus, no combination of the references teaches or suggests the currently tuned in channel, the preferential channel, and the remaining accessible channels of the claimed invention. Thus, claim 3 is defines over the combination of the references, and the rejection of claim 3 is believed to be overcome.

Regarding the rejection of claims 5, and 7-10, these claims are dependent on claim 3 and are therefore believed to be allowable for at least the reasons as set forth above with respect to the allowability of claim 3.

Regarding the rejection of claim 6, claim 6 recites "acquiring the program guide information for each channel by searching for the accessible channels in a background operation while the program list is referred to." Therefore, according to claim 6, while EPG information is acquired for remaining channels, the user can refer to EPG information of the currently tuned in channel as well as the preferential channel. Moreover, this claim implicitly requires that the TV set be on and tuned to a channel. Otherwise, the recitation "while the program list is referred to" would be meaningless.

In Cuccia, on the other hand, EPG information is updated only once a day, at night, or at a time when the TV is decoupled (i.e. turned off). If for some reason, the TV enters a coupled state, the updating process is actually stopped and only restarted when the TV enters the decoupled state. See *Cuccia*, column 4, lines 36-55. Considering that it would be impossible for a user to refer to the program list, as claimed, while the TV is turned off, Cuccia simply could not anticipate "searching for accessible channels to obtain program guide information being broadcast by controlling said tuner in a background operation while a user refers to the program list."

Nevertheless, the Office Action alleges, at page 7, that “the claimed acquiring the program guide information for each channel by searching for the accessible channels in a background operation while the program list is referred to is met by the tuner 103 which is free to scan the signals for the EPG information when the TV set is in stand by mode.” In response, the applicant notes that if the TV set in Cuccia is in “stand by mode,” the user could not refer to any information on the TV, as presently claimed.

Therefore, claim 6 defines over the combination of the applied references and is believed to be allowable. Thus, the rejection of claim 6 is believed to be overcome.

Regarding the rejection of claim 12, applicant notes that the Office Action alleges, at page 8, that claim 12 is rejected for the same reasons as claims 3 and 6. Applicant further notes that claim 12 includes the recitation, “acquiring program guide information being broadcast for each of the channels by searching for the accessible channels in a background operation while the written and displayed program list is referred to by a user.” Since, as discussed above, this recitation includes subject matter that is substantially similar to the subject matter of claim 6, applicant respectfully asserts that claim 12 is allowable for at least the reasons as set forth with respect to the allowability of claim 6. Thus, the rejection of claim 12 is believed to be overcome.

Regarding the rejection of claims 13-16, these claims are dependent on claim 12 and are therefore believed to be allowable for at least the reasons as set forth above with respect to the allowability of claim 12.

Regarding the rejection of claim 19, applicant notes that claim 19 includes the recitation, “searches for remaining accessible channels to obtain program guide information being broadcast for the remaining accessible channels by controlling said tuner in a background operation while a user refers to the program list.” Since this recitation includes subject matter that is substantially similar to the subject matter of both claims 6 and 12, applicant respectfully asserts that claim 19 is allowable for at least the reasons as set forth with respect to the allowability of claims 6 and 12. Thus, the rejection of claim 19 is believed to be overcome.

Regarding the rejection of claims 20-23, these claims are dependent on claim 19 and are therefore believed to be allowable for at least the reasons as set forth above with respect to the allowability of claim 19.

Regarding the rejection of claim 27, this claim is dependent on claim 1 and is therefore believed to be allowable for at least the reasons as set forth above with respect to the allowability of claim 1.

In the Office Action, at page 11, claim 26 was rejected under 35 U.S.C. §103 in view of Kim et al. (US Patent No. 6,405,372 B1) and Cuccia (US Patent No. 6,337,719 B1). The reasons for the rejection are set forth in the Office Action and therefore not repeated. This rejection is traversed and reconsideration is requested. Claim 26 is dependent on claim 1 and is therefore believed to be allowable for at least the reasons as set forth above with respect to the allowability of claim 1.

In the Office Action, at page 11, claim 4 was rejected under 35 U.S.C. §103 in view of Cuccia (US Patent No. 6,337,719 B1) and Kim et al. (US Patent No. 6,405,372 B1). The reasons for the rejection are set forth in the Office Action and therefore not repeated. This rejection is traversed and reconsideration is requested. Claim 4 is dependent on claim 3 and is therefore believed to be allowable for at least the reasons as set forth above with respect to the allowability of claim 3.

In the Office Action, at page 12, claims 11, 16-17, and 24 were rejected under 35 U.S.C. §103 in view of Cuccia (US Patent No. 6,337,719 B1) in view of Kim et al. (US Patent No. 6,405,372 B1) and further in view of Saitoh (US Patent 5,444,499). The reasons for the rejection are set forth in the Office Action and therefore not repeated. These rejections are traversed and reconsideration is requested. Claims 11, 16-17, and 24 are dependent on claims 3, 12, and 19 and are therefore believed to be allowable for at least the reasons as set forth above with respect to the allowability of claims 3, 12, and 19.

In the Office Action, at page 13, claims 18 and 25 were rejected under 35 U.S.C. §103 in view of Cuccia (US Patent No. 6,337,719 B1) in view of Kim et al. (US Patent No. 6,405,372 B1) and further in view of Mugura et al. (US Patent 6,243,142B1). The reasons for the rejection are set forth in the Office Action and therefore not repeated. These rejections are traversed and reconsideration is requested. Claims 18 and 24 are dependent on claims 12 and 19 and are therefore believed to be allowable for at least the reasons as set forth above with respect to the allowability of claims 12 and 19.

CONCLUSION

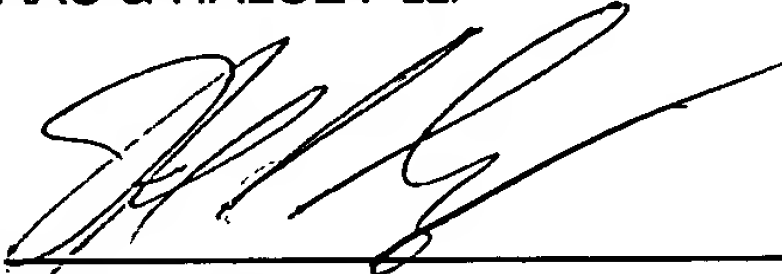
In accordance with the foregoing, it is respectfully submitted that all outstanding rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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